

ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: July 14, 2010
Applicant: Integrated Marine Services
Case No.: PCC-09-050
Address: 2320 Main Street, Chula Vista, Ca.
A.P.N.: 622-111-60-00
Project Planner: Richard Zumwalt, A.I.C.P., Associate Planner

Notice is hereby given that on July 14, 2010, the Zoning Administrator considered Conditional Use Permit Application PCC-09-050 filed by Integrated Marine Services ("Applicant"), at 2320 Main Street ("Project Site"). The Project Site is zoned Commercial Thoroughfare – Precise Plan (CT) with a General Plan designation of Commercial Retail (C-R). The Property is owned by 2320 Main St. LLC ("Property Owner"). The proposed Project is more specifically described below:

The Applicant requests approval of a Conditional Use Permit to operate a contractor equipment storage yard and install one 1,400 sq. ft. commercial coach to be used as an office trailer at the rear portion of the property ("Project"). Pursuant to the CT zone (CVMC 19.40.030), Contractor Equipment Storage yards are permitted uses upon approval of a Conditional Use Permit. Accessory office trailers with a floor area equal to or less than 25% of the total building floor area of the principal use, also require approval of a Conditional Use Permit, per CVMC 19.54.020.O. The Applicant conducts ship and boat repair under contract to the U.S. Navy at off-site locations, and the purpose of the storage yard is to store materials and prepare them for transportation to the job sites. The site presently supports an existing 12,770 square foot commercial building (Building A), and an attached 6,400 square foot shed /canopy structure that is open on three sides (Building B), will be retained and used for business operations. In addition, a second shed/canopy structure and detached storage building are proposed for demolition.

The Environmental Review Coordinator has reviewed the proposed Project for compliance with the California Environmental Quality Act and has determined that the Project qualifies for a Class 3 categorical exemption pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 A of the Chula Vista Municipal Code, has been able to make the Conditional Use Permit findings as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

The approval of this project will enable the applicant to use the project site to provide administrative support facilities such as administrative offices, and storage, staging and

preparation of materials for transport to off-site work locations, where the applicant will perform ship and boat repair for the U.S. Government. The proposed use at this location is necessary or desirable because the project site is located in a commercial /industrial area that contains similar types of businesses, and there are no residential or other land uses nearby that could be adversely affected by project-related activities. The Applicant supports the community by participating in government-sponsored job programs ("HUBZone") that direct that a majority of the company's employees and contractors will be from the Chula Vista area. Also, the applicant participates in a Small Business Administration program that supports minority, small and disadvantaged contractors.

That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

Conditions of approval have been included which require that any activities that could result in excessive noise, emissions or other hazards that could affect adjacent properties be conducted indoors or off-site. As a result of the approval of Conditional Use Permit, the project will be designed to include fencing, landscape screening, and architectural enhancements that will improve the image of the area and minimize any potential aesthetic impacts to adjacent properties by screening the views of the contractor equipment and storage yard from off-site.

That the proposed use will comply with the regulations and conditions specified in the code for such use.

Granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill conditions and to comply with all applicable regulations and standards specified in the Municipal Code for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-09-050.

That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

The General Plan designates the site as Commercial Retail. Operation of a contractor equipment storage yard and a commercial coach to be used as an accessory office trailer to support the naval contracting business, as approved by this Conditional Use Permit, are consistent with Commercial Retail land uses. Thus, the proposed project is consistent with the Commercial Retail General Plan land use designation.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-09-050 as described above subject to the following conditions:

The following conditions shall apply to the Project Site, and the Applicant or successor-in-interest shall satisfy these conditions prior to issuance of the first building permit for the project, or at the timeframe specified in the condition. Upon completion, the Applicant shall remain in compliance with the conditions as long as the Project relies upon this approval:

PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the PCC-09-050 approved plans, which include site plans and floor plans on file in the Planning Division, the conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Authorized Representative

Date

3. The building permit plan submittal shall include a revised site plan showing the following:
 - a. Parking spaces #21 and 22 shall be re-designed so that vehicles entering and backing out of these spaces will not collide with each other.
 - b. A 3 ft. deep turning/backing area shall be added to extend the driveway between parking spaces #26 and 29.

- c. Addition of dark-colored, vinyl - coated cyclone fencing with redwood or neutral slatting to screen outdoor equipment will be provided along the entire western property line, which faces the MTS Trolley public right-of-way.
 - d. The entry gate at the driveway entrance from Main Street has been re-designed to comply with Department Policy DR-11, including the relocation of the gate to a point at least 25 feet from the inside edge of the sidewalk, and that a building permit for the gate has been approved by the Fire Department and Engineering Division.
 - e. The freestanding wall at the northeast corner of the site exceeds the maximum height permitted by the CI zone, and therefore the building permit plans must show that wall has been reduced in height from 13 feet to a height of 9 feet (measured from the highest point of adjacent grade) or less.
4. The Applicant shall apply for and obtain a sign permit for any required site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60.
5. Applicant shall provide a detailed landscape plan for review and approval by the Director of Development Services or designee, inclusive with the building permit submittal, per Municipal Code and Landscape Manual requirements, including the following:
- a) Site Plan and Landscape plan shall provide a minimum 10-foot wide planter buffer area. This buffer area shall measure inside the property, 10 feet beginning at the property line. Adjustments to the site plan as required shall be made.
 - b) Site plan shall show and label the 20-foot landscape buffer area along the Main Street.
 - c) Landscape design shall contain the following statement: "I am familiar with and agree to comply with the requirements for landscape improvement plans as described in Chapter 20.12 of the Municipal Code. I have prepared this plan in compliance with those regulations. I certify that the plan implements the regulations to provide efficient landscape water use." Signature & Date by Landscape Architect is required.
6. Prior to occupancy of the project in reliance on this permit, all the existing buildings and office trailer shall be painted using the colors shown on the approved plans and elevations, or use similar colors.
7. The Applicant shall develop, submit and obtain approval of a "Recycling and Solid Waste Management Plan" to the Environmental Services Program Manager for review and approval prior to issuance of the building permit. A synopsis of

the plan shall be included in the notes on the Building Plans. The plan shall demonstrate those steps that the applicant will take to comply with Sections 8.24 and 8.25 of the Municipal Code, to meet the State mandate to reduce or divert waste generated by commercial, residential and industrial developments. The applicant shall contract with the City's franchise hauler throughout the construction and occupancy phase of the project.

BUILDING DIVISION

8. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to the 2007 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, and 2008 California Energy Code, as adopted and amended by the State of California.
9. Provide documentation for the office trailer approval. Any modification to the approved office trailer must be approved by the State of California.
10. Provide a Building Code Legend on the title (first) sheet of the building plans. Include the following code information for each building or space proposed:
 - a. Occupancy Group Classification CBC Ch. 3
 - b. Type of Construction, CBC Ch. 6
 - c. Type of Fire Sprinklers (Full 13, 13R, 13D, not sprinklered), Ch. 9
 - d. Show access to building from the disabled parking, per State of Ca. Handicapped Accessibility standards.
11. Applicant shall be required to obtain a Certificate of Occupancy prior to occupancy of Buildings A and B, and the proposed office trailer.

CODE ENFORCEMENT DIVISION

12. Applicant shall apply for and obtain building permit approval for the un-permitted restroom addition on the east side of the building, and the un-permitted 6,400 sq. ft. metal canopy (Building B) in the rear of the site.

ENGINEERING DIVISION

13. Before issuance of the building permit, the Applicant shall obtain a Construction Permit for the following street improvements:
 - a. Remove the existing westerly driveway and replace it with curb, gutter and sidewalk.
 - b. Replace the existing easterly driveway with a new one that complies with the City's construction specifications (CVCS-1A).

- c. Remove and replace any broken curb, gutter and sidewalk along the frontage of the project, as determined by the Public Works Inspector.
14. Before issuance of a Building Permit, the Applicant shall pay any increase of Engineering Fees, if any, as determined by the Permit Division. The fees will be calculated depending on the proposed building plans and any change in land use, or addition of facilities compared to the existing plan on site.

FIRE DEPARTMENT

15. As part of the demolition plans and building plans related to electrical work, the Applicant shall submit interior floor plans for all buildings, showing areas of storage, work areas, and means of egress, for the project.
16. This project will require a fire flow of 3,750 gallons per minute for a 3-hour duration (at 20 psi).
17. Applicant shall provide a water flow letter from the applicable water agency having jurisdiction indicating that the above-mentioned fire flow is available to serve this project.
18. The Fire Department will place the Fire Department connection (FDC) and post indicator valve (PIV) when plans are submitted.
19. A deferred submittal will be required for the sprinkler system.
20. A Fire control room will be required.
21. All fire Department access roads including the new Fire Lane shall be built to H20 standard.
22. Fire Lanes shall be marked according to Chula Vista Fire Standard.
23. Automatic gates shall be provided with both an Opticom Detection System and a Knox Key Switch override. Provisions shall be taken to operate the gate upon the loss of power.
24. Buildings shall be provided with two Knox appliances.
 - Provide a Knox Vault at the main entrance to Building A.
 - Provide a Knox Box at the Fire Control Room

Upon certification by the Development Services Department for occupancy or establishment of use allowed by this Conditional Use Permit, the following conditions shall apply:

25. Hours of operation shall be limited to Monday-Friday 7 am to 4:30 pm.

26. Materials placed in the contractor equipment storage yard shall be stored and stacked at a height that does not exceed the height of the fencing.
27. Operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
28. Activities with potential to adversely affect adjacent properties such as welding, drilling, testing and servicing of equipment shall be conducted indoors or under the Building "B" canopy.
29. Welding activities conducted on site shall comply with applicable provisions of the 2007 Fire Code to the satisfaction of the Fire Marshall, and applicable provisions of the 2007 Building Code, to the satisfaction of the City Building Division.
30. This Conditional Use Permit authorizes only the use specified in the application for PCC-09-050. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
31. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
32. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
33. Applicant and his/her successors in interest agree to defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action or proceeding against the City, or its agents, officers or employees, to attack, set aside, void or annul any approval by the City, including approval by its Planning Commission, City Council or any approval by its agents, officers, or employees with regard to this Conditional Use Permit, provided the City promptly notifies the Applicant of any claim, action or proceeding and on the further condition that the City fully cooperates in the defense.

34. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 14th day of July 2010.



Mary Ladiana,
Zoning Administrator

Cc: Miguel Tapia, Senior Planner
Brian Catacutan, Code Enforcement Officer
VHL Design, 1431 Agate Creek Way, Chula Vista, Ca. 91915

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